

## Message Text

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ORIGIN DLOS-09

INFO OCT-01 EUR-12 EA-10 IO-13 ISO-00 ACDA-12 AGRE-00  
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00  
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01  
TRSE-00 H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00  
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02  
SS-15 ICA-11 /158 R

DRAFTED BY D/LOS:ABERLIND/AD  
APPROVED BY D/LOS:ABERLIND  
EUR/WE:WNEWLIN

-----058677 181605Z /53

R 181121Z APR 78  
FM SECSTATE WASHDC  
TO USMISSION GENEVA  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY PARIS  
AMEMBASSY LONDON  
AMEMBASSY BONN  
AMEMBASSY THE HAGUE  
AMEMBASSY TOKYO  
AMEMBASSY OTTAWA  
USMISSION USUN NEW YORK

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FOR US DEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: BELGIAN DEMARCHE ON S.2053

1. BELGIAN EMBOFF (COURTOIS) CALLED ON DIRECTOR, D/LOS,  
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APRIL 14 TO DELIVER DEMARCHE RE CERTAIN ELEMENTS OF COM-  
MITTEE PRINT NO. 3 OF S. 2053, "DEEP SEABED MINERAL RE-  
SOURCES ACT." EMBOFF SAID DEMARCHE FOLLOWED CONSULTATIONS  
WITH OTHER EUROPEAN POTENTIAL MINING COUNTRIES BUT DID NOT  
KNOW WHETHER OTHERS WOULD TAKE SIMILAR ACTION. DIRECTOR,  
D/LOS, CONFINED RESPONSE TO NOTING THAT BELGIAN VIEWS WERE  
SUPPORTIVE OF ADMINISTRATION POSITIONS ON FLAG REQUIREMENTS

AND LOCATION OF PROCESSING PLANTS AND UNDERTAKING TO EXAMINE OTHER POINTS.

2. TEXT OF BELGIAN "SPEAKING NOTE" FOLLOWS:

-- "SENATE BILL S.2053, REFERRED TO AS THE "DEEP SEABED MINERAL RESOURCES ACT", ESPECIALLY IN ITS LATEST VERSION (COMMITTEE PRINT 3, MARCH 15, 1978), HAS CAUSED SOME CONCERN TO THE BELGIAN GOVERNMENT BECAUSE OF THE CONCEPTS SET FORWARD IN SECTIONS 102 (LICENSES FOR EXPLORATION AND PERMITS FOR COMMERCIAL RECOVERY), 117 (RECIPROCATING STATES) AND 204 (SPECIAL FUND).

A. REGARDING SECTION 102, CONCERNING THE DOCUMENTING OF VESSELS, BELGIUM CAN CONCEIVE THAT THE MAIN EXPLOITATION UNIT SHOULD BE DOCUMENTED IN THE COUNTRY GRANTING THE EXPLOITATION PERMIT, IN ORDER TO AVOID ANY CONFLICT BETWEEN THE STATE DELIVERING THE PERMIT AND THE FLAG STATE OF THE MAIN EXPLOITATION UNIT. THIS PRINCIPLE, HOWEVER, SHOULD NOT BE EXTENDED TO SECONDARY UNITS, AND CERTAINLY NOT TO TRANSPORTATION VESSELS.

-- CONCERNING FACILITIES FOR PROCESSING RAW RESOURCES, BELGIUM IS OPPOSED TO THE IDEA OF AN ABSOLUTE OBLIGATION TO LOCATE SUCH FACILITIES ON THE TERRITORY OF THE STATE DELIVERING THE PERMIT. THE EXPRESSION OF A PREFERENCE, LIMITED OFFICIAL USE

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INSTEAD OF AN OBLIGATION, FOR SUCH A LOCATION, MAY EVENTUALLY BE MORE AGREEABLE, SINCE SEVERAL ECONOMIC CRITERIA MAY IN FACT FAVOR A LOCATION OUTSIDE OF THE SAID TERRITORY.

B. THE WORD "COMPATIBLE", AS DEFINED IN SECTION 117,1,A EVOKES A CONCEPT OF ALLEGIANCE OF FOREIGN LAW TO US LAW. COUNTRIES CANNOT BE EXPECTED TO ACCEPT THE PRINCIPLE OF AN OBLIGATION TO CONFORM TO US LAW IN ORDER TO SECURE THE RECIPROCITY MENTIONED IN THIS SECTION. THE WORD "COMPARABLE", THAT WAS USED IN THE EARLIER VERSION OF S.2053, SEEMS TO BE MORE APPROPRIATE. THE SAME DIFFICULTY IS CAUSED, E.G., BY THE WORD "ADEQUACY", USED IN THE DEFINITION OF "COMPATIBLE".

C. WITH REGARD TO THE SPECIAL FUND OF SECTION 204 (CALLED "INTERNATIONAL REVENUE SHARING FUND" IN THE HOUSE BILL, HR 3350), THE BELGIAN GOVERNMENT FEELS THAT EACH STATE SHOULD HAVE THE RIGHT TO FREELY ESTABLISH ITS OWN REVENUE SHARING SYSTEM, WITHOUT NECESSARILY BEING RESTRICTED BY THE FORMULA DEFINED BY US LAW.

-- THE BELGIAN GOVERNMENT IS FULLY AWARE OF THE FACT THAT

THE WORDING REFERRED TO IS PART OF A COMMITTEE WORKING PAPER. IT HAS BEEN LED TO BELIEVE, HOWEVER, THAT THIS VERSION OF S.2053 REFLECTS THE VIEW OF INFLUENTIAL MEMBERS AND MAY BE CONSIDERED BY THE FULL COMMITTEE; THEREFORE, IT EXPRESSES THE HOPE THAT THE DEPARTMENT OF STATE WILL CONSIDER, AT A TIME IT ESTEEMS CONVENIENT, MAKING THESE VIEWS KNOWN TO CONGRESS.

END TEXT.

CHRISTOPHER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, DEMARCHE, SEABED  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 18 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE098705  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** ABERLIND/AD  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780165-1196  
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**Litigation Codes:**  
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**Office:** ORIGIN DLOS  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014